

**Robert E. Franz, Jr.** OSB #730915  
E-Mail: rfranz@franzlaw.comcastbiz.net  
**Sarah R. Henderson** OSB #153474  
E-Mail: shenderson@franzlaw.comcastbiz.net  
FRANZ & HENDERSON  
P.O. Box 62  
Springfield, OR 97477  
Telephone: (541) 741-8220

Attorneys for Defendants Lewis, Rappé, Grice, Kirkpatrick, Bragg, Casarez,  
Conrad, Durrant, Lane, O’Leary, Pardee, Sorby, and Turner

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

Black Unity, Martin Allums,  
Tyshawn Ford, Austin Johns,  
Mya Lansing, and Jazmine Jourdan,  
  
Plaintiffs,

Case No. 6:21-cv-0346-AA

**Exhibit 535**  
Declaration of  
Sarah R. Henderson

vs.

City of Springfield, a municipal corporation,  
Richard L. Lewis, Lt. George Crolly, Lt. Matt  
Neiwert, Lt. Tom Rappé, Sgt. David Grice,  
Sgt. Pete Kirkpatrick, Sgt. Keith Seanor, A.A.  
Amundson, T.J. Bazer, Brian Bragg, Joseph  
Burke, Daniel Casarez, Robert J. Conrad,  
B.P. Dunn, Bronson Durrant, J. Garcia-Cash,  
T.J. Murray, J.J. Myers, Connor O’Leary,  
Jared Quinones, Robert A. Rosales, Eric A.  
Sorby, M.J. Thomsen, L.E. Turner, J.M.  
Wilson, Detective Robert Weaver, Kody  
Lane, Tina Pardee, and Kylee Welch, in their  
individual capacities,

Defendants.

## IN THE MUNICIPAL COURT OF THE CITY OF SPRINGFIELD

CITY OF SPRINGFIELD

Plaintiff

DIVERSION AGREEMENT

VS

CHARGE:

DIS. CON. 2 - NO CONTEST

TYSHAWN L. FORD

Defendant

CITATION #:

DOCKET #:

20-5350

The defendant represents to the court:

1. My true and complete name is TYSHAWN L. FORD. I am 21 years of age. I request that all proceedings against me be in my true name.
2. I have received a copy of the citation and I have read the citation. I fully understand the nature of the charge made against me, and that there are possible defenses that I might have in this case.
3. My mind is clear and I am not sick. I am not under the influence of alcohol or drugs. I am not under a doctor's care. The only drugs, medicines, or pills I have taken within the past seven days are: None.
4. TF I know that I may plead "NOT GUILTY" to any crime charged against me or to persist in that plea if it has already been made. I know that if I plead "NOT GUILTY", the Constitution guarantees me:
- the right to a speedy and public trial by jury during which I would be presumed to be innocent unless and until proven guilty beyond a reasonable doubt;
  - the right to have the assistance of a lawyer at all stages of the proceedings;
  - the right to use the power and process of the court to compel the production of any evidence including the attendance of any witnesses in my favor;
  - the right to see, hear, confront, and cross-examine all witnesses called to testify against me;
  - the right to take the witness stand at my sole option, and if I do not take the witness stand no inference of guilt may be drawn from such failure; and
  - the right not to be compelled to incriminate myself.
5. NO CONTEST I know that if I plead "GUILTY", there will be no trial either before a court or jury, and that the court may impose the same punishment as if I had pled "NOT GUILTY", stood trial, and been convicted by a jury.
6. I know the maximum punishment which can be imposed upon me for the crime to which I am pleading guilty is 30 days in jail and a \$ 1250 fine.
7. TF My plea of "GUILTY" is based upon a Diversion Agreement I have made with the prosecutor. That Diversion Agreement is set out below. NO CONTEST
8. The terms of this agreement set out the ONLY agreement between the City and me. No officer or agent of any branch of government (federal, state or local) or anyone else has promised or suggested that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "GUILTY" except as stated above. NO CONTEST
9. My plea of "GUILTY" is not the result of force or threat. NO CONTEST
10. I know that the court will not permit anyone to plead "GUILTY" who maintains he or she is innocent. With that in mind, and because I am guilty, I wish to plead "GUILTY" and respectfully request the court to accept my plea of "GUILTY".
11. I know that the court must be satisfied that there is factual basis for a plea of "GUILTY" before my plea can be accepted. I represent to the court that I did the following acts in connection with the charges made against me:
- On or about the date specified in the complaint within the corporate city limits of Springfield Oregon, I unlawfully and knowingly committed the offense as charged.
12. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with the full understanding of all the matters set forth in the complaint and in this petition.

The City of Springfield, by and through the City Prosecutor, upon consideration of the factors listed in ORS 135.886 (2), and finding it is in the interest of justice and of benefit to the defendant and the community; and I hereby enter into the following Diversion Agreement pursuant to ORS 135.881 - 135.901.

IT IS HEREBY AGREED that the proceedings now pending against the defendant in the above-entitled Court, shall be stayed for a period of 180 days, and in consideration of the successful completion of the conditions specified below and the stay of the proceedings, that upon the expiration of the 180 day period and completion of all conditions of diversion, the court shall dismiss the above-entitled case with prejudice pursuant to ORS 135.901(2)

IN THE MUNICIPAL COURT OF THE CITY OF SPRINGFIELD, COUNTY OF LANE, OREGON  
TO THE PERSON CHARGED WITH A CRIMINAL VIOLATION OF CITY OF SPRINGFIELD  
MUNICIPAL CODE:

*THIS DOES NOT APPLY TO TRAFFIC CITATIONS*

You are charged with criminal violation of the City of Springfield Municipal Code that, depending on the complaint involved, is punishable by 30 to 365 days in jail and \$300.00 to \$6,250.00 in fines.

You are hereby informed that pursuant to ORS 135.881 - 135.901, a diversion agreement MAY BE available to you IF YOU MEET THE QUALIFICATIONS set forth below and if you file with the court, a petition for such diversion agreement within 30 days from the date of your first appearance before the court on this matter. The petition will be provided for you by the court upon request.

REQUIREMENTS TO FILE A DIVERSION AGREEMENT PETITION:

- (1) Complete the diversion agreement petition and affidavit and return it to the Court. File your petition with the court clerk prior to or on your next scheduled appearance date and time.
- (2) Pay at the time of filing of the petition, the court costs ordered in full or make arrangements to make monthly payments. If your petition is denied, the court costs will be applied towards a security deposit which would be required until final adjudication of the case. Filing fee is subject to change at the discretion of the City Prosecutor.
- (3) A copy of the petition will be served on the City Prosecutor by the Court. The City Prosecutor has the option of filing an objection and requesting a hearing. If the City Prosecutor files no objections, then the court will allow the diversion agreement unless the court finds you are not entitled to it.

YOUR PETITION MUST BE REVIEWED AND APPROVED BY THE CITY PROSECUTOR AND COURT.

The City Prosecutor will review the police report regarding the incident involved as well as any past criminal history that you may have. You MAY NOT be eligible if:

- (1) The incident involved physical injury or violence.
- (2) You have been previously convicted of, or forfeited bail or security, in this state or any other state of another criminal offense.

ANY PETITION FOR A DIVERSION AGREEMENT MUST INCLUDE:

- (1) Your understanding that you have a legal right to have this charge tried by this court without any unnecessary delay that might hurt your defense. You agree to give up this right in order to enter into a diversion agreement with the court. If the Court allows you to enter into a diversion agreement, the court must stop the prosecution of the charge pending your successful completion or failure to complete the diversion agreement. The agreement will be in force for 180 days. If you fully comply with the conditions of the agreement, then this complaint, pursuant to ORS 135.901(2) will be permanently dismissed. If you do not comply with the agreement, then this complaint will be set for sentencing.
- (2) Your understanding that it is possible that a single act or course of conduct can result in the commission of several offenses. Under law, no person shall be separately prosecuted for two or more offenses based upon the same criminal episode if the several offenses are reasonably known to the appropriate prosecutor at the time of the first prosecution and establish proper venue in a single court. The purpose of this law is to permit a person to answer all the charges at one time and to avoid a long course of separate trials for each offense. If you are to be allowed to enter a diversion agreement with the court, however, you must give up this protection as it applies to any other offenses arising from the criminal episode during which you are charged with the offense for which you applying for diversion agreement.
- (3) Your plea of guilty to the charge. If you do not comply with the terms of the agreement, then the Court will terminate your diversion agreement and this matter will be set for sentencing.
- (4) Your agreement to keep this court advised of your current residential and mailing address.
- (5) Your agreement to pay the court cost as scheduled.
- (6) Your agreement to abide by the conditions set forth in the diversion agreement.
- (7) Your agreement to pay for any court appointed attorney or interpreter fees, victim restitution or compensation if applicable and expenses incurred as part of the agreement
- (8) Your understanding that if you do not comply, the Court will terminate your agreement and the matter will be set for your sentencing.
- (9) Your agreement to appear for sentencing unless case has been dismissed.



DIVERSION AGREEMENT PAGE 1 OF 2

NAME:

DOCKET #:

TYSHAWN Ford  
20-5350

IT IS FURTHER AGREED as follows:

1. Defendant does hereby waive his/her right to a speedy trial as required by ORS 135.896 and former jeopardy rights under ORS 131.505 to 131.525 in the above entitled case, and does hereby acknowledge that he/she has entered into this agreement voluntarily,
2. Defendant agrees to the following conditions of this agreement pursuant to 135.891, which shall constitute the terms of the Diversion Agreement:

Defendant shall pay to the Springfield Municipal Court the fees specified below, PLUS ANY OTHER FEES OWED TO THE COURT:

Diversion Filing Fee	\$370.00	Victims Restitution	\$
State Program fee ORS 135.891	\$50.00	CAA Fee (\$103.00)	\$
County Assessment	\$16.00	Other	\$
<b>SUBTOTAL</b>	<b>\$436.00</b>	<b>TOTAL:</b>	\$

i) \$50 minimum due (or transferred from bail), at the time of filing.

ii) Due in full on 5/21/21.

iii) 0 per month starting on 5/21/21 and each month thereafter until paid in full; HOWEVER FULL AMOUNT IS DUE WITHIN 180 DAYS FROM DATE AGREEMENT IS SIGNED BY JUDGE.

- a.) Any bail posted in excess of the diversion- filing fee will be applied to any outstanding monetary obligations that the defendant may have to this court or otherwise will be refunded to the person who posted bail at the completion of the diversion agreement period.
- b.) Obey all laws and be a peaceful law abiding citizen.
- c.) Defendant shall not be convicted of any "crime" as defined in ORS 161.515.
- d.) Defendant shall keep the Court advised of current residential and mailing addresses at all times during this period.

Other condition(s):

Diversion completed 11/22/21. agreement to file nunc pro tunc 5/21/21.

**FOR COURT USE ONLY:****DIVERSION END DATE:**

I understand and agree that my plea of guilty will be held in abeyance for \_\_\_\_\_ months, until \_\_\_\_\_, 20\_\_\_\_.

If at the end of this period of time I have successfully fulfilled all the terms and conditions of this diversion agreement, my guilty plea will be withdrawn, and the charge dismissed. However, if I fail to complete any of the terms and conditions of this diversion agreement, the Court may issue an Order to Show Cause as to why this agreement shall not be revoked and a sentence imposed.

Failure to appear for any Show Cause may result in revocation of your Diversion Agreement, a bench warrant, and additional fees.

The court can be reached at (541) 726-3748 Monday through Friday from 8:00 AM to 4:30 PM, excluding holidays, by email at [courts@springfield-or.gov](mailto:courts@springfield-or.gov), or by coming into our office at 230 4<sup>th</sup> St, Springfield, OR 97477.

City Prosecutor

Tyshawn Ford

Date

5/21/21 nunc pro tunc

Defendant

1335 debrick Rd

Date

541-972-2126

Mailing Address

Home Phone#

Work Phone#

Message Phone#

THIS MATTER having come before the court upon the stipulation of the parties endorsed hereon, and it appearing that a Diversion Agreement, pursuant to ORS 135.881 - 135.901, has been entered into herein, and the court now being fully advised in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED that all further proceedings herein are hereby stayed and held in abeyance, pending the aforesaid Diversion Agreement, for a period of 180 days, or pending the further order of this court.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SPRINGFIELD MUNICIPAL COURT JUDGE

## IN THE SPRINGFIELD MUNICIPAL COURT OF THE STATE OF OREGON FOR LANE COUNTY

CITY OF SPRINGFIELD

Plaintiff,

vs

TYSHAWN L. FORD

Defendant,

AFFIDAVIT

DOCKET NUMBER: 20-5350

I, the above named defendant desiring that I be permitted to enter into a Diversion Agreement in the above entitled charge pending against me and realizing that the below listed matters may disqualify me from such program and being first duly sworn on oath, depose and say that:

1. I did not, on the date of the present offense, nor do I currently have any other criminal charge of any degree pending against me anywhere.
2. I have not been convicted of, or forfeited bail or security on, any other similar charge in this state or any other state within the preceding ten years from the date of my arrest on this charge.
3. I am not now participating in, and I have not within ten years before my arrest on this charge, participated in a similar diversion program or any similar rehabilitation program anywhere.

**I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I UNDERSTAND THIS AFFIDAVIT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.**

Dated this 20<sup>th</sup> day of September, 2021

Tyshaw L. Ford

Defendant